

15C-18.001 Electronic Filing System

(1) Purpose and Scope. This rule prescribes and defines the Department of Highway Safety and Motor Vehicles' Electronic Filing System and the standards for participation, certification of service providers, system requirements and enforcement authority.

(2) Definitions. The words or terms as used in this rule shall have the following meanings:

(a) "Certified Service Provider" means a Department approved provider of electronic transfer of registration and titling or other motor vehicle, vessel, mobile home, or off-highway vehicle transactions allowed under the Electronic Filing System. The Certified Service Provider hosts an approved system for interface between EFS agents and the Department.

(b) "Department" means the Department of Highway Safety and Motor Vehicles.

(c) "Electronic Filing System" means the system owned by the Department which allows approved EFS agents to process title and registration transactions under the authority of the Tax Collector of the county.

(d) "Electronic Filing System (EFS) agent" means an entity approved by the Department to process title and registration transactions using the Electronic Filing System.

(e) "Indicia" means any document, validation decal, paper stock or metal license plate necessary in titling and registration transactions.

(f) "Motor Vehicle" includes, for the purposes of this rule only, motor vehicles, vessels, mobile homes or off-highway vehicles.

(g) "Regional Processing Center" means an entity under contract with an EFS agent and/or a Certified Service Provider to process electronic filing system transactions for use only at the point of sale.

(h) "Tax Collector" means one of the elected or appointed tax collectors in the 67 counties of Florida who serve as agents of the Department for the delivery of title and registration services.

(3) All Tax Collectors must allow any entity who meets the requirements set forth in this rule to participate as an EFS agent. No Tax Collector may deny an eligible EFS agent from participating. All Tax Collectors, EFS agents, and Certified Service Providers shall comply with the provisions of these rules and may not add additional requirements not set forth in either the statute or these rules.

Specific Authority 320.03(10)(a) FS. Law Implemented 320.03(10)(a) and (b) FS. History—New X-XX-10.

15C-18.002 Electronic Filing System Features; EFS Agent Participation Requirements

(1) The Electronic Filing System allows approved EFS agents to process registration and title transactions including, but not limited to:

- (a) New and used motor vehicles
- (b) Direct and lease purchases
- (c) License plates transferred from one motor vehicle to another
- (d) Registration renewal for customers at the time of purchase.
- (e) Inquiry capabilities subject to applicable fees.

(2) Entities requesting approval to become an EFS agent must meet the following requirements:

- (a) Enter into a contract with a Certified Service Provider.
- (b) Apply to the Tax Collector of the county where the transactions will be processed on a form prescribed by the Department.
- (c) Have no unresolved issues regarding non-sufficient funds received by either the Tax Collector or the Department.
- (d) Have no convictions of a felony by the principals or prospective users.
- (e) Must be current on all applicable tax payments.
- (f) Must be current on all State and or local licenses.
- (g) Prior disciplinary actions by the Department may be used as a determining factor in denial of an entity as an EFS agent.

(3) EFS agents may only stock regular series license plates and registration decals unless they receive specific authority from the Department to stock additional indicia types.

(4) No Tax Collector may add or detract from the minimum requirements to become an EFS agent as set forth in this rule.

Specific Authority 320.03(10)(a) FS. Law Implemented 320.03(10)(a) and (b) FS. History—New X-XX-10.

15C-18.003 Service Providers; Certification; Requirements

- (1) The Department shall certify service providers who meet minimum requirements as set forth in this rule.
- (2) Entities requesting approval to become a Certified Service Provider must meet the following requirements prior to being approved by Department:
 - (a) Enter into a contract with the Department.
 - (b) Pass a structured test with the Department.
 - (c) Provide a performance bond for \$2 million with the Department
- (3) The Certified Service Provider shall:
 - (a) Provide support, assistance and training to any EFS agents using their system.
 - (b) Follow installation procedures as set forth by the Department.
 - (c) Maintain all records of electronic fund transfers, inventories and files of transactions for a period of three fiscal years.
 - (d) Maintain all contractual agreements for a period of five fiscal years after completion or termination of the contract.
 - (e) Make all records available for inspection or audit at any time during normal business hours by the Department.
 - (f) Transfer all funds collected in connection with the processing of all registration and title transactions and other approved services via Electronic Funds Transfer to the applicable Tax Collector office within two business days of the date the transaction is electronically submitted to the Tax Collector's office.
 - (g) Provide at its own expense all equipment necessary to provide an interface between the Certified Service Provider's server and the Department's server.

Specific Authority 320.03(10)(a) FS. Law Implemented 320.03(10)(a) and (b) FS. History—New X-XX-10.

15C-18.004 Electronic Filing System Requirements; Disclosure to Customer

(1) Certified service providers must provide reports as set forth below. The electronic filing system developed by a Certified Service Provider must at a minimum include the following reporting capabilities:

(a) Bundle reporting which includes all completed transactions from the prior business day and includes the following data: transaction ID number, owner name, number of license plate, expiration date, title number, agency fees, system control number, customer number, stock number, sales tax revenue, registration tax, title fees, total registration tax and title fees and total funds remitted.

(b) An inventory report reflecting inventory on hand, unassigned, available, issued, transmitted, damaged, missing, returned, or reserved. Such report shall include series of inventory with beginning and ending numbers.

(c) A pull ticket report which includes a control number, new owner of vehicle or vessel being purchased, VIN or hull number, make and body or vessel type. If the license plate is being transferred, the plate number shall be included.

(d) Registration Certificate.

(e) Title application receipt.

(f) The system must provide an approved HSMV 84003 with a list of license plates that have been voided, along with a reason for the void.

(g) The system must provide a report for each county, by authorized EFS agent, listing all current users.

(h) The authorized EFS agent must submit a monthly roster to the Tax Collector of the clerks authorized to use the Electronic Filing System. If no personnel changes are made a statement reflecting this must be provided.

(2) The system must provide a report of all completed transactions for the previous date.

(3) Certified Service Providers must ensure that access and data are secure and only used by authorized persons.

(4) Tax Collectors are responsible for EFS agent services provided in their county. Tax Collectors must retain a copy of any current contracts entered into with EFS agents and Certified Service Providers by their county. The Tax Collector must submit to the Department a copy of each contract with participating EFS agents in their county.

(5) An EFS agent that desires to change its Certified Service Provider shall submit the request to the Tax Collector of the county where the transactions will be processed on a form prescribed by the Department.

(6) If an EFS agent charges a fee to the customer for the use of the electronic filing system, the EFS agent must disclose to the customer the amount of the fee to process the transaction and this fee may not be described as a State fee nor commingled with State fees.

Specific Authority 320.03(10)(a) FS. Law Implemented 320.03(10)(a) and (b) FS. History—New X-XX-10.

15C-18.005 Enforcement; Service Providers; EFS Agents

(1) Enforcement authority for compliance with the requirements of the electronic filing system with regard to Certified Service Providers is granted to the Department. The Department shall have the authority to terminate any contract or agreement with any Certified Service Provider for any violation of the statute, the rules or the terms of the contract. Additionally, the following are prohibited and may result in the termination of certification as a service provider:

- (a) Providing Electronic Filing System services to a client who is not an approved EFS agent of the Certified Service Provider.
- (b) Distributing indicia to a client who is not an approved EFS agent.
- (c) Willful misrepresentation of EFS policies, procedures, contractual terms or other title and registration policies or procedures.
- (d) Processing transactions in a Tax Collector jurisdiction other than where the approved EFS agent is located.
- (e) Using Department information for reasons other than authorized Electronic Filing System services.
- (f) Failure to correct errors within 30 days or a period mutually agreed upon with the Department.
- (g) Failure to execute Electronic Funds transfer in the specified time frame.

(2) Enforcement authority for compliance and the requirements of the electronic filing system with regard to EFS agents is granted to the Tax Collector and the Department. The Department and Tax Collector shall have the authority to revoke an EFS agent's ability to use the electronic filing system for any violation of the statute or rules. Additionally, the following are prohibited and may result in the termination of an EFS agent:

- (a) Failure to comply with Department procedures.
- (b) Unauthorized access of data by users.
- (c) Failure to pay applicable Department records fees for information not resulting in the issuance of a title certification or registration credential.
- (d) Failure to comply with minimum security requirements, including failure to safeguard equipment which provides access to the Electronic Filing System.
- (e) Failure to execute Electronic Funds transfer.
- (f) Failure to remain in good standing with the Tax Collector or State, including lapse or revocation of any state of local license.
- (g) Failure to correct errors or clear pending transactions within a 30 days of the transaction or a period mutually agreed upon with the Department and the Tax Collector.
- (h) Charging title and registration fees in excess of those allowed by law.
- (i) Improper security and control of license plate and decal inventory or other Tax Collector provided indicia.

Specific Authority 320.03(10)(a) FS. Law Implemented 320.03(10)(a) and (b) FS. History—New X-XX-10.